

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JEROME CURRY,

Plaintiff,

22 **CIVIL** 4127 (PMH)

-against-

JUDGMENT

KYOUNG S. KIM and A. SIMPSON,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated November 14, 2023, the motion to dismiss is GRANTED with prejudice as to Defendants Kim and Simpson. Although "[d]istrict courts should frequently provide leave to amend before dismissing a pro se complaint," it is "not necessary when it would be futile." *Reed v. Friedman Mgmt. Corp.*, 541 F. App'x 40, 41 (2d Cir. 2013) (citing *Cuoco v. Moritsugu*, 222 F.3d 99, 112 (2d Cir. 2000)). This action is dismissed with prejudice to the extent outlined above. Here, having already amended his complaint once, any further amendment would be futile. Accordingly, and although Plaintiff has not sought permission to do so, leave to file a Second Amended Complaint is denied. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Opinion and Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue). Accordingly, the case is closed.

Dated: New York, New York
November 14, 2023

RUBY J. KRAJICK
Clerk of Court

A handwritten signature in black ink, appearing to be 'RJ' with a large loop, positioned above a horizontal line.

BY:

Deputy Clerk